Exhibit 3

Eric Benson
Brennan Moss
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Attorneys for Defendants Rymark, Inc.,
Nicholas Markosian

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

CAPANA SWISS ADVISORS AG, a Swiss corporation; AMERIMARK AUTOMOTIVE AG, a Swiss corporation, Plaintiffs, vs. RYMARK, INC., a Utah corporation; NICHOLAS THAYNE MARKOSIAN, an Individual, JOHN KIRKLAND, an individual; and VICKY SMALL, an individual, Defendants. And Related Counterclaims and Third-Party Claims.	**DECLARATION OF H. SCOTT TUCKER IN SUPPORT OF DEFENDANTS' MEMORANDUM IN OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL THIRD-PARTY FORENSIC INSPECTION OF DEFENDANTS NICOHLAS MARKOSIAN AND RYMARK INC.'s ELECTRONIC DEVICES** Case No. 2:23-cv-00467 Judge: Hon. Ted Stewart Magistrate Judge: Hon. Cecilia M. Romero

I, H. Scott Tucker, declare as follows:

1.   I am over the age of 21 and am competent to testify to the matters set forth in this declaration.

2.   I am the President of Aptegra Consulting, LLC ("Aptegra"), based in Lehi, Utah, which offers information technology and litigation consulting services relating to, among other things, software development, digital forensics, and electronic discovery. I have also been an instructor in the Master of Science in Information Systems ("MSIS") and Master of Cybersecurity Management ("MCSM") programs at the University of Utah, where I taught a graduate level course in Digital Forensics (including a section on e-discovery), IS 6571, for over a decade.

3.   In addition, I have been awarded several certifications in information technology, including Certified Information Systems Security Professional (CISSP) from the International Information System Security Certification Consortium, also known as (ISC)2, Certified Cyber Forensics Professional (CCFP), also from (ISC)2, Certified Computer Forensics Examiner (CCFE) from the Information Assurance Certification Review Board or IACRB, and Certified Mobile Forensics Examiner (CMFE) also from IACRB. I am also certified as a Cellebrite Advanced Apple Forensic examiner (CAAF).

4.   I am named as a co-developer of information technology that is the subject of a U.S. Patent (the 3-D spreadsheet). I am the author or co-author of several information technology books published by Simon & Schuster, Random House, and Bantam. I have served as an expert witness for both Microsoft (MS-DOS) and for Google (Google Sheets).

5.   I am currently serving as Vice President of the International Executive Committee of the High Technology Cyber Investigation Association (HTCIA). I also serve the HTCIA on the Certification and Training Committee and am a principal contributor in the development of its first Cyber Investigation training course.

6.   A copy of my current CV is attached hereto as **Exhibit A**.

7.   I was engaged by Rymark, Inc. in January of 2025 to perform digital forensic services related to eDiscovery in the above-captioned case.

8.   As part of the engagement, I conducted an investigation and targeted eDiscovery to search data provided to me by Chris Adams, of Rymark, to identify relevant communications that may have been overlooked in earlier production efforts.

9.   Among other tasks, I reviewed the PST files for a specific email dated October 31, 2018, involving the phrase "Sent from my iPad" and email addresses from "@whitetreecapital.ltd."

10.   I searched data from the mailboxes to Vicky Small, John Kirkland, Nick Markosian, and others.

11.   I also searched a pair of iPads provided to me by Rymark to be forensically imaged and searched.

12.   I used the following forensic tools in my efforts to find alleged missing emails: FTK Imager, X-Ways Forensics, Magnet AXIOM, Oxygen Forensic Detective, and Vound Intella.
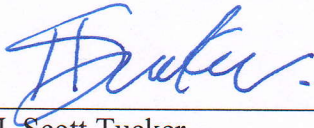
13.   I searched all emails with 21 search terms derived from the October 31, 2018 email to see if I could locate it in any of the PST files provided to me.

14.   My search did not find the subject email.

15.   However, I was able to recover and find, through my search, some additional documents that I provided to Rymark.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 11th, 2025.

H. Scott Tucker

CURRICULUM VITAE OF H. SCOTT TUCKER

Contact Information

Name: H. Scott Tucker
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Office Telephone: (801) 999-8171
Mobile Telephone: (801) 930-0339

Experience

Aptegra Consulting, LLC   Lehi, UT   2005-Present
President

■ President of firm offering digital forensics and Information Technology consulting
■ Certified Cellebrite Advanced Apple Forensic Examiner (CAAF)
■ Certified Mobile Forensics Examiner (CMFE)
■ Oxygen Forensic Certified Instructor (OFCI)
■ Certified Computer Forensics Examiner (CCFE)
■ Certified Information Systems Security Professional (CISSP)
■ Course Author and Adjunct Instructor of *Digital Forensics* (IS 6571) in the University of Utah's Master of Science in Information Systems (MSIS) and Master of Science in Cybersecurity Management (MSCM) programs
■ Experienced in smartphone and computer data collection, data recovery, file system and internal document metadata analysis, Windows registry analysis, and email/file system search
■ Experienced in working within stipulations, protective orders, and negotiated discovery protocols to ensure privacy of non-case-related data
■ Experienced with deposition testimony and creating expert reports and rebuttals

Classes and Presentations Presented

■ 2024 iTunes Inception: Implanting Memories in iTunes Backups, Oxygen International User Summit, Alexandria, VA
■ 2023 Adjunct instructor: *Digital Forensics* (IS 6571) University of Utah
■ 2022 Adjunct instructor: *Digital Forensics* (IS 6571) University of Utah
■ 2021 Adjunct instructor: *Digital Forensics* (IS 6571) University of Utah
■ 2020 Adjunct instructor: *Digital Forensics* (IS 6571) University of Utah
■ 2019 Adjunct instructor: *Digital Forensics* (IS 6571) University of Utah
■ 2019 *SQLite Databases*, Computer Technology Investigator's Network (CTIN) Annual Conference 2019, Redmond WA
■ 2018 Instructor: Oxygen Forensic Complete Course presented to High Intensity Drug Trafficking Area (HIDTA) Task Force members, Phoenix, AZ
■ 2018 Adjunct instructor: *Digital Forensics* (IS 6571) University of Utah
■ 2018 *Cyberlaw Symposium*, Keynote Speaker: *Case Studies in Digital Forensics*, Utah State Bar Association, Cyberlaw Section, Lehi, Utah
■ 2017 *Scope and Future of Digital Forensics* panel discussion, Data Security Council of India (DSCI) Annual Information Security Summit, Delhi, India.
■ 2017 Adjunct instructor: *Digital Forensics* (IS 6571), University of Utah
■ 2017 *SQLite Forensics: A Case Study*, Computer Technology Investigator's Network (CTIN) Annual Conference 2017, Redmond WA

- 2017 *Email Forensics: A Case Study*, Computer Technology Investigator's Network (CTIN) Annual Conference 2017, Bellevue WA
- 2016 *Secure by Design* panel discussion, Enigma'16 Cyber Security Conference, Symbiosis Centre for Information Technology, Pune, India
- 2016 Adjunct instructor: *Digital Forensics* (IS 6571), University of Utah
- 2015 *Navigating the Changing Landscape of Digital Forensics,* Executive Summit, American College of Forensic Examiners Institute, Santa Barbara, CA
- 2015 Adjunct instructor: *Digital Forensics* (IS 6571), University of Utah
- 2014 Utah State Bar Association Fall Forum presentation (with Hon. David Nuffer) entitled *Yours, Mine and Ours*
- 2014 Adjunct instructor: *Digital Forensics* (IS 6571), University of Utah
- 2013 Adjunct instructor: *IT Security* (IS 6570) and *IT Forensics* (IS 6571), University of Utah
- 2012 Adjunct instructor: *IT Forensics* (IS 6571), University of Utah

Certifications and Professional Organizations

- Certified Apple Advanced Forensic Examiner (CAAF), Cellebrite
- Certified Apple Intermediate Forensic Examiner (CAIF), Cellebrite
- Certified BlackLight (Digital Inspector) Examiner, Cellebrite
- Certified Mobile Forensics Examiner (CMFE), Information Assurance Certification Review Board (IACRB)
- Oxygen Forensic Certified Instructor (OFCI), Oxygen Forensics, Inc.
- Oxygen Forensic Detective Expert User, Oxygen Forensics, Inc.
- Certified Computer Forensics Examiner (CCFE), Information Assurance Certification Review Board (IACRB)
- Member, Board of Directors, Computer Technology Investigators Network (CTIN)
- Member, High Tech Crime Investigation Association (HTCIA)
- Member, Association of Certified Fraud Examiners (ACFE)
- Certified Information Systems Security Professional (CISSP), International Information Systems Security Certification Consortium (ISC)2
- Oxygen Forensic Suite User Certification, PATCtech
- A+ Certification, CompTIA
- Amateur Radio License, Technician class (KF7JPB), US Federal Communications Commission

Prior Testimony in the Past 4 Years

- 01/9/2025 Vox Marketing Group, LLC vs. Prodigy Promos L.C., et al, Case No. 160401386, State of Utah Fourth Judicial District Court, Utah County
- 10/3/2024 Hicks et al vs. Milton et al, Case No. 2:22-cv-00166, United States District Court for the District of Utah
- 8/21/2023 Vox Marketing Group LLC vs. Prodigy Promo LC et al., Case No. 160401386, State of Utah Fourth Judicial District Court, Utah County
- 2/22/2023 Estate of Kristina Martinez vs. Lint et al, Case No. 210301094, State of Utah Third Judicial District Court, Tooele County
- 8/11/2022 Omnishield Pest Control et al vs. Corbin et al, Case No. CV2020-017359, Superior Court of the State of Arizona, Maricopa County
- 1/13/2022 Brent Tanner vs. Kinnon Sandlin and Simon Hoyle, Case No. 200401605, State of Utah Fourth District Court, Utah County
- 11/30/2021 State of Utah vs. Christopher Weaver, Criminal No. 201501532, State of Utah Fifth District Court, Washington County

- 11/1/2021 Westshield Utah LLC vs. Robert S. Michaels, et al, Case No. 186932168, State of Utah Third Judicial Court, Salt Lake County
- 5/20/2020 Vox Marketing Group, LLC vs. Prodigy Promos L.C., et al, Case No. 2:18-cv-00632-HCN-PMW, United States District Court for the District of Utah
- 3/12/2020 Data Engine Technologies LLC vs. Google LLC, C.A. Case No. 14-1115 (LPS), United States District Court for the District of Delaware

Conferences, Seminars, and Training Attended

- 10/15/2024-10/16/024 Oxygen International User Summit, Alexandria, VA
- 7/24/2024-7/25/2024 High Tech Crime Investigation Association (HTCIA) Global Training Event, Las Vegas, NV
- 7/23/2024 Cellebrite Reader Training, Las Vegas, NV
- 2/8/2024-2/9/2024 Metaspike Email Forensics Training, Online Class
- 9/19/2023-9/21/2023 High Tech Crime Investigation Association (HTCIA) International Conference and Expo, Phoenix, AZ
- 1/26/2023 SQLite Forensics with Belkasoft (Certificate of Achievement), Online Class
- 12/9/2022 A Deep Dive into Cell Phone Records and Tower Dumps, LLRMI, Online Class
- 9/7/0222-9/9/2022 Cellebrite Apple Advanced Forensics, Online Class
- 8/1/2022-8/3/2022 Cellebrite Apple Intermediate Forensics, Online Class
- 7/18/2022-7/21/2022 Cellebrite Computer Forensic Fundamentals, Online Class
- 9/21/2020-9/22/2020 Paraben's Forensic Innovations Conference, Online Class
- 7/27/2020-8/3/2020 Autopsy Basics and Hands On Training, Online Class
- 6/1/2020-6/5/2020 Oxygen Forensics Train the Trainer, Live Online Class
- 5/2/2021-7/26/2021 FOR500 – Windows Forensic Analysis, SANS Institute, Online Class
- 2/3/2020-2/6/2020 Oxygen Forensic Mobile Extraction Class, Salt Lake City, UT
- 11/5/2019-11/7/2019 Oxygen Forensic Detective Boot Camp, Las Vegas NV
- 9/10/2019-9/12/2019 Paraben's Forensic Innovations Conference, Park City, UT
- 5/22/2019-5/24/2019 Computer Technology Investigators Network Conference, Redmond, WA
- 9/5/2018-9/6/2018 Paraben's Forensic Innovations Conference, Park City, UT
- 4/12/2017-4/14/2017 Computer Technology Investigators Network Conference, Redmond, WA
- 8/14/2015 Mangrum and Benson on Expert Testimony, Salt Lake City, UT
- 3/16/2015-3/18/2015 Computer Technology Investigators Network Conference, Seattle, WA
- 3/2/2015-3/3/2015 X-Ways Forensics II Course, Washington, DC
- 11/12/2014-11/14/2014 Paraben's Forensic Innovations Conference, Snowbird, UT
- 10/23/2014-10/24/2014 Oxygen User Conference and Training, Las Vegas, NV
- 7/8/2014-7/22/2014 X-Ways Forensics Practitioner's Guide Online Course I
- 5/19/2014-5/22/2014 Computer and Enterprise Investigations Conference, Las Vegas, NV
- 11/13/2013-11/15/2013 Paraben's Forensic Innovations Conference, Snowbird, UT
- 9/26/2013 Intermountain eDiscovery Conference, Salt Lake City, UT
- 5/19/2013-5/22/2013 Computer and Enterprise Investigations Conference, Orlando, FL
- 4/22/2013-4/25/2013 AccessData User Conference, Las Vegas, NV
- 11/3/2012-11/6/2012 Paraben's Forensic Innovations Conference, Park City, UT
- 9/13/2012 Intermountain eDiscovery Conference, Salt Lake City, UT
- 5/8/2012-5/10/2012 AccessData User Conference, Las Vegas, NV
- 5/21/2012-5/24/2012 Computer and Enterprise Investigations Conference, Las Vegas, NV
- 4/25/2012 NBI: Evidence and Expert Testimony Best Practices, Salt Lake City, UT
- 3/25/2012-4/1/2012 ACFEI Effective & Credible Expert Witness Testimony, Ft. Lauderdale, FL
- 11/5/2011-11/9/2011 Paraben's Forensic Innovations Conference, Park City, UT
- 11/15/2010-11/17/2010 X-Ways Forensics Software Training, Reston, VA

- 11/7/2010-11/10/2010 Paraben's Forensic Innovations Conference, Park City, UT
- 10/25/2010-10/26/2010 TechnoForensics Conference, NIST Headquarters, Gaithersburg, MD
- 9/24/2010 Intermountain eDiscovery Conference, Salt Lake City, UT
- 1/28/2007-1/31/2007 IFIP WG 11.9 International Conference on Digital Forensics, National Center for Forensic Science, UCF, Orlando, FL

Publications

- *Protecting Data from Threats Far and Near*, Attorney at Law Magazine, Greater Salt Lake City Edition Vol. 6, No. 1. See http://bit.ly/hst-protectingdatafarandnear
- *I Think our Email Has Been Hacked!* Attorney at Law Magazine, Greater Salt Lake City Edition Vol. 4, No. 1. See http://bit.ly/hst-emailhacked
- *Exif: It's Just Metadata,* Attorney at Law Magazine, Greater Salt Lake City Edition Vol. 2, No. 1. See http://bit.ly/hst-exifitsjustmetadata
- *BYOD: Bring Your Own Discovery,* Attorney at Law Magazine, Greater Salt Lake City Edition Vol. 1, No. 2. See http://bit.ly/hst-bringyourowndiscovery
- *Smartphones are Everywhere,* Attorney at Law Magazine, Greater Salt Lake City Edition Vol. 1, No. 1. See http://bit.ly/hst-smartphones
- Principal contributor to the Computer History Museum's 2004 oral history entitled *PC Software Workshop: Lotus 1-2-3*. See www.computerhistory.org/collections/catalog/102658156

Tiens Group, LLC   Midvale, UT   2017
acting CIO
- While a contractor, acted as Chief Information Officer of a direct selling startup, a US subsidiary of a Chinese multinational conglomerate. (See http://tiens-us.com)
- Supervised setup of IT infrastructure, including network, computers, printers, telephone system, domain name, Google Suite, Office 365, and other online services.

SkillRazor, LLC   Draper, UT   2008-2009
CTO, acting COO
- While a contractor, acted as general manager of a software startup specializing in online education and coaching within a custom-built social network built using Ruby on Rails
- Broad responsibilities, including overall strategy, marketing (positioning and messaging), finance (budget and forecast), and software development management
- Using agile processes, led the development team from concept to release in under a year

KMT Software, Inc.   Cambridge, MA   1992-2005
Chief Technical Officer
- After being retained as an expert witness in Caldera vs. Microsoft (DR-DOS), 1998-2001, I established a software development team in Pune, India, eventually employing 30+ developers
- Managed the development of dozens of end-user software products, including HP's *Real Estate Marketing Assistant,* Corel's *WordPerfect OfficeReady*, and TemplateZone's *High Impact eMail*
- Relationship manager for some of KMT's most valued clients, including Hewlett-Packard and Corel. Managed several custom projects from brainstorming to completed development
- Author or co-author of the following books:
  - The Winning Forms series (e.g., ISBN 0679742921)
  - Excel Power Toolkit (ISBN 1566046572)
  - Lotus 1-2-3 Power Tools (ISBN 055334966X)

Vice President
- Co-founder and principal software developer, using VB, InstallShield script, and Windows API
- Contributed to all major office products, including MS Works, StarOffice (OpenOffice.org), Quattro Pro, Corel Office; principal developer of the 1-2-3 SmartMasters technology
- Designed and programmed a custom budget system for a major Boston healthcare firm
- Conducted technical seminars on creating SmartMasters for Lotus 1-2-3 Release 5
- As a contractor, completed a 30-city U.S./Latin America tour introducing Lotus 1-2-3 Release 5

Lotus Development Corp.   Cambridge, MA   1985-1992
Director of Product Development, Spreadsheet Division
- Managed a team responsible for all external interfaces to Lotus spreadsheet products, including user interface, localization, setup, file format, add-ins, and programmability
- Responsibilities included all OS platforms, including Windows, OS/2, DOS, and Unix/Solaris
- 1986-1992 Speaker at annual Developer Conferences by Lotus Development Corporation
- Author or co-author of the following books:
  - Lotus Guide to Spreadsheet Publishing (ISBN 0135393132)
  - Inside Lotus 1-2-3 Macros (ISBN 0134679784)
  - The Illustrated Symphony Book (ISBN 0915381885)

Director, Consulting Division
- Helped incubate Lotus's consulting division
- Consulted to several major Lotus clients, including Sears and Owens-Corning

1-2-3 Product Manager
- Responsible for the product marketing function of Lotus 1-2-3 (strategy, messaging); later assigned to lead the design of the next major releases of Lotus 1-2-3
- Performed extensive field research to determine needs and to establish relationships with key customers (e.g., originated and managed product councils and alpha program)
- Principal designer of Lotus 1-2-3 Releases 2.2 and 3.0
- Co-inventor of US Patent 5,312,478 on the 3D Spreadsheet, filed 4/11/90

Manager of Developer Marketing
- Wrote a developer newsletter, with emphasis on maintaining compatibility with new releases
- Managed publication of a book on document file formats and the Add-in Toolkit
- Organized Lotus's first annual developer conference in 1986

OptionWare, Inc.   Hartford, CT   1983-1985
Various positions leading to Director, R&D
- Lead developer and manager of a team that created a library of business applications
- Early user of email and pre-internet technologies (e.g., Compuserve, RBBS-PC)
- Consulted to Mosaic and Paperback Software on compatibility of "clone" spreadsheets

Education

Brigham Young University   Provo, UT   1983
- Master of Business Administration, Finance

Dean's List (Top 5%), Beta Gamma Sigma, Phi Kappa Phi

Dalhousie University   Halifax, NS, Canada   1981
- Bachelor of Commerce, Marketing

Community Service

High Technology Cyber Investigation Association (HTCIA)   2023-Present
The High Technology Cyber Investigation Association (HTCIA), created in 1986, is the oldest and most prestigious association solely focused on high tech investigations. HTCIA helps all those in the high technology field by providing extensive information, education, collective partnerships, mutual member benefits, board leadership and professional management.

Vice President, International Executive Committee (IEC) https://www.htcia.org/iecandstaff 2025
Support the President in driving HTCIA's mission to advance education, collaboration, and innovation in cyber investigation, while providing strategic leadership and guiding organizational initiatives.

Training and Certification Committee Member, https://www.htcia.org/committees 2024-2025
Work with a collaborative team, authored significant portions of educational materials for an HTCIA cyber investigation training course, to support professional development in cyber investigation practices.

Hearts Knit Together, a 501(c)(3) organization   2015-Present
Hearts Knit Together (heartsknittogether.org) is a non-profit organization that delivers much-needed personal items to those escaping domestic violence, sexual abuse, or war. Volunteers collect, craft, and assemble kits which include hygiene items, toys, games, puzzles, clothing and stuffed animals for the children. These kits are distributed through violence shelters, victim support centers, and refugee organizations, to children and adults across the state of Utah. Its mission is to offer joy and order in the lives of those in our community who need it the most.

Member, Board of Directors (2015-present)
Established IT infrastructure, including registering the domain name and setting up Google Suite and Facebook accounts. Helped register Hearts Knit Together as a 501(c)(3) entity. Serve as a member of the Board of Directors.

Chairman, Board of Directors (2025- present)
Provide strategic leadership and oversight of Hearts Knit Together. Guide the mission to deliver essential items to survivors of domestic violence, sexual abuse, and war in Utah, supervising the Executive Director to ensure effective volunteer management and kit distribution.